

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

THOMAS KOHLER,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

NO: 15-CV-3042-FVS

ORDER FOR REMAND

BEFORE THE COURT is the parties' Stipulation for Remand. ECF No. 17.

After consideration,

**IT IS ORDERED** that the stipulated motion is **GRANTED**. The Commissioner's final decision is reversed and remanded for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security, the Appeals Council will remand this case to the Administrative Law Judge (ALJ) to: (1) address the substance use pursuant to Social Security Ruling 13-2p; (2) further evaluate the opinion evidence including the opinions of Dr. Jay M. Toews, Dr. Phyllis N. Sanchez and Dr. John McRae; (3)

1 further evaluate whether the claimant meets or equals Listings 12.05B or 12.05C;  
2 (4) if necessary, further assess the RFC; and (5) if necessary, obtain evidence from  
3 a vocational expert to clarify the effect of the assessed limitations on the  
4 occupational base.

5 The ALJ will hold a new hearing and issue a new decision. Plaintiff may  
6 present new arguments and evidence. The ALJ may further develop the record and  
7 conduct additional proceedings as necessary.

8 The parties stipulate that this case be reversed and remanded to the ALJ on  
9 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Upon proper  
10 presentation, this Court will consider Plaintiff's application for costs and attorney's  
11 fees under 28 U.S.C. § 2412(d).

12 The District Court Executive is hereby directed to enter this Order and  
13 furnish copies to counsel.

14 **DATED** this 8<sup>th</sup> day of January, 2016.

15 *s/Fred Van Sickle*  
16 Fred Van Sickle  
17 Senior United States District Judge  
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